

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

FRANCIS GRANDINETTI,)	CIV. NO. 19-00569 JAO-KJM
#A-0185087,)	
)	DISMISSAL ORDER
Plaintiff,)	
)	
vs.)	
)	
ERICA N. BARAJAS, R.N., H.S.A.,)	
et al.,)	
)	
Defendants.)	
_____)	

Before the Court is pro se Plaintiff Francis Grandinetti's ("Grandinetti['s]"), recent prisoner civil rights Complaint titled "Federal ICC/IAD Complaint: Hired Federal Contractors." ECF No. 1. Grandinetti is a Hawai'i state prisoner who is confined in the Saguaro Correctional Center ("SCC"), located in Eloy, Arizona. Grandinetti did not submit the civil filing fee or an application to proceed in forma pauperis.

Grandinetti says that Hawai'i Department of Public Safety ("DPS") auditors visit SCC approximately three times per year. He claims that he spoke with Defendant Barajas about his medical and mental health four times in September 2019. He says that he wants a full mental and medical health check, but claims

that he is too injured to participate in any programs that are required to qualify for parole. Grandinetti's exhibits show that he was seen by Barajas and several other medical providers on September 24-28, 2019.

Grandinetti has accrued three strikes pursuant to 28 U.S.C. § 1915(g)¹ and may not proceed without concurrent payment of the filing fees, unless his pleadings show that he was in imminent danger of serious physical injury at the time that he brought this action. *See Andrews v. Cervantes*, 493 F.3d 1047, 1053, 1055 (9th Cir. 2007). Grandinetti has been notified of this requirement.

Nothing within the Complaint or its exhibits support a finding that Grandinetti is or was in imminent danger of serious physical injury when he filed this action or that there is a continuing practice that injured him in the past that poses an "ongoing danger." *Id.* at 1056. Grandinetti's pleading also fails to state any coherent claim for relief.

The Complaint and this action are DISMISSED without prejudice pursuant to 28 U.S.C. §§ 1915(e)(2) and (g). The Clerk SHALL TERMINATE this case. Any pending motions are DENIED. The Court will take no further action in this

¹ *See, e.g., Grandinetti v. FTC Seg. Unit Staff*, 426 F. App'x 576 (9th Cir. 2011); *Grandinetti v. Abercrombie*, Civ. No. 15-00007 LEK-RLP (D. Haw. 2015); *Grandinetti v. Shimoda*, Civ. No. 05-00442 JMS-BMK (D. Haw. 2005); *Grandinetti v. Stampfle*, Civ. No. 05-00692 HG-LEK (D. Haw. 2005).

case beyond processing a notice of appeal.

IT IS SO ORDERED.

DATED: Honolulu, Hawai‘i, November 5, 2019.



A handwritten signature in black ink, reading "Jill A. Otake". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Jill A. Otake
United States District Judge